

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN H. FAIR,)	4:07CV3063
)	
Petitioner,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	

The petitioner has filed a petition for writ of habeas corpus. The respondent has filed an answer, with state court records. The petitioner has also filed a motion for the appointment of counsel.

The case is ready for progression. A progression order will be entered. The petitioner's motion for the appointment of counsel will be denied because none of the prerequisites for appointment of counsel in a habeas case have been shown to exist. Accordingly,

IT IS ORDERED that:

(1) The following progression order is entered:

A. No later than October 15, 2007, the respondent shall file a separate brief. The brief shall address all matters germane to the case including, but not limited to, the merits of the petitioner's allegations and whether any claim is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, a statute of limitations, or because the petition is an unauthorized second or successive petition. *See, e.g.,* Rules 5(b) and 9 of the Rules Governing Section 2254 Cases in the United States District Courts. *In addition, the brief shall contain "pin point" citations to the state court records. When the respondent serves a copy of the brief on the petitioner, the*

respondent shall also provide the petitioner with a copy of the specific pages of the record which are cited in the respondent's brief.

B. No later than 30 days following the filing of the respondent's brief, the petitioner shall file and serve a brief in response. The petitioner shall submit no other documents unless directed to do so by the court.

C. No later than 30 days after the filing of the petitioner's brief, the respondent shall file and serve a reply brief.

D. No discovery shall be undertaken without leave of the court. *See* Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts.

(2) The motion for the appointment of counsel (filing 24) is denied.

(3) The Clerk is directed to set a pro se case management deadline using the following text: December 16, 2007, briefing should be complete.

September 11, 2007.

BY THE COURT:

s/Richard G. Kopf
United States District Judge